

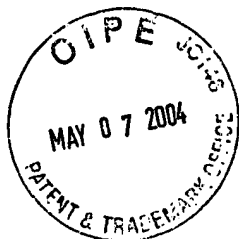
372A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/070,718
		Filing Date	June 17, 2002
		First Named Inventor	Günther Spatz
		Group Art Unit	3727
		Examiner Name	James N. Smalley
Total Number of Pages in This Submission (including this sheet)	56	Attorney Docket No.	2168.GLE.PT

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Supplemental Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Appeal Communication: <input type="checkbox"/> Appeal Notice <input type="checkbox"/> Appeal Brief <input type="checkbox"/> Reply Brief <input type="checkbox"/> Assignment with Cover Sheet <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Check in the amount of \$____ <input type="checkbox"/> Credit card authorization in the amount of \$____ <input type="checkbox"/> Declaration & Power of Attorney <input type="checkbox"/> Drawings ____ sheets <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Extension of Time Request ____ month <input type="checkbox"/> Fee Calculation Table <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Form 1449 <input type="checkbox"/> Copies of IDS References <input type="checkbox"/> Issue Fee Transmittal & Advance Order	<input type="checkbox"/> Maintenance Fee Transmittal ____ year <input type="checkbox"/> Missing Parts Response <input type="checkbox"/> Notification of Change of Attorney Address & Docket Number <input checked="" type="checkbox"/> Return Postcard <input type="checkbox"/> Revocation & Power of Attorney <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Other: 1) Copy of Priority Document 2) Certified English translation of Priority Document
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Attorney for Applicant		Julie K. Morriss, Registration No. 33,263 MORRISS O'BRYANT COMPAGNI, P.C. 136 South Main Street, Suite 700 Salt Lake City, Utah 84101 (801) 478-0071 telephone; (801) 478-0076 facsimile	
Signature	<i>Julie K. Morriss</i>	Date	5-4-04
CERTIFICATE OF MAILING UNDER 37 CFR § 1.8			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, on the date indicated below, in an envelope addressed to Main Stop NON-FEE AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or Printed Name		Julie K. Morriss	
Signature	<i>Julie K. Morriss</i>	Date	5-4-04



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Günther Spatz

Serial No.: 10/070,718

Filed: June 17, 2002

**For: METHOD FOR CLOSING A
CONTAINER AND A RESPECTIVE
CLOSURE**

Examiner: James N. Smalley

Group Art Unit: 3727

Attorney Docket No.: 2168.GLE.PT

CERTIFICATE OF MAILING

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail (under 37 C.F.R. § 1.8(a)) on the date of deposit shown below with sufficient postage and in an envelope addressed to MAIL STOP NON-FEE AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, Virginia 22313-1450.

May 4, 2004
Date of Deposit

Julie K. Morriss
Signature of registered practitioner or other person having reasonable basis to expect mailing to occur on date of deposit shown pursuant to 37 C.F.R. § 1.8(a)(1)(ii)

Julie K. Morriss
Typed/printed name of person whose signature is contained above

SUPPLEMENTAL RESPONSE

MAIL STOP NON-FEE AMENDMENT
Commissioner For Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

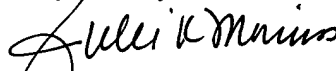
Further responsive to the Office Action mailed January 12, 2004, the Applicant submits herewith a certified copy of the priority document and a certified English translation thereof for entry in this case.

In the Office Action mailed January 12, 2004, the Examiner indicated that claims 22-50 were rejected, either under § 102(e) or § 103(a), in view of U.S. Patent No. 6,619,016 to Sindermann et al. The Examiner further indicated that the Applicant could not rely on the priority document in the application because a certified copy and English translation had not been made of record in the case.

A response to the Office Action was filed April 12, 2004 in which the Applicant argued that the Sindermann reference was not valid under § 102(e), and indicated that a certified copy of the priority document with English translation would be submitted in furtherance of that argument.

Accordingly, the Applicant submits herewith the certified copy of the priority document with English translation and requests entry of the documents into the file. Reconsideration and allowance of the claims, as set forth in the response submitted April 12, 2004, are respectfully requested.

Respectfully submitted,



Julie K. Morriss
Registration No. 33,263
Attorney for Applicant
MORRISS O'BRYANT COMPAGNI, P.C.
136 South Main Street, Suite 700
Salt Lake City, Utah 84101
Telephone: (801) 478-0071
Facsimile: (801) 478-0076

Date: May 4, 2004

Attachment: Certified Copy of Priority Document [DE Application No. 299 23 540. 8
filed September 9, 1999]
Certified English translation of Priority Document